

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

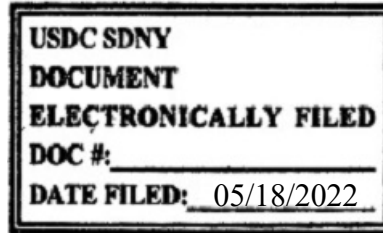
BORIS POGIL,

Plaintiff,

-against-

KPMG, LLP,

Defendant.



21-CV-7628 (LTS) (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

For the reasons discussed during this morning's teleconference, it is hereby ORDERED as follows:

1. No later than **May 25, 2022**, plaintiff shall advise the Court by letter whether he will stipulate to the filing by defendant of an amended answer that includes a new affirmative defense alleging after-acquired evidence. In the absence of a stipulation, defendant shall promptly file its motion to amend, pursuant to Fed. R. Civ. P. 15(a), attaching a redlined copy of the proposed amended answer.
2. In advance of the parties' anticipated mediation, and in order to make that mediation as productive as possible, the parties shall produce (to the extent they have not already) the following core documents, all of which fall within Fed. R. Civ. P. 26(a)(1) and/or this Court's October 1, 2015 Standing Order governing counseled employment cases, No. M10-468,¹ on or before **June 3, 2022**:
 - a. By Plaintiff
 - i. Applications for unemployment benefits after the termination of his employment by defendant;
 - ii. Documents demonstrating his attempts to obtain other employment after the termination of his employment by defendant;
 - iii. Plaintiff's submissions to the Equal Opportunity Employment Commission (EEOC) regarding his employment at KPMG, including exhibits;
 - b. By Defendant (unless otherwise indicated, for the period April 2018-October 2020)
 - i. Plaintiff's "GPS" reviews;

¹ See <https://www.nysd.uscourts.gov/sites/default/files/pdf/2015SecondAmendedStandingAdminOrder-Counseled-Employment.pdf>.

- ii. Plaintiff's time records;
 - iii. KPMG's "key metrics data" regarding plaintiff;
 - iv. Comments regarding plaintiff in KPMG's "performance factors system"; and
 - v. Defendant's submissions to the EEOC concerning plaintiff, including exhibits.
3. The parties shall contact their assigned mediator and request that the mediation be rescheduled for **the second half of June 2022**.
4. Plaintiff's deadline to move under Fed. R. Civ. P. 15(a) for leave to amend his Complaint or join additional parties is EXTENDED to **July 1, 2022**. Any motion to amend or join additional parties filed after the deadline in this paragraph will be subject to the "good cause" standard in Fed. R. Civ. P. 16(b)(4).

Dated: New York, New York
May 18, 2022

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge